

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Add Sections 2.45 and 251.9  
Title 14, California Code of Regulations  
Re: Computer Assisted Remote Hunting / Fishing

- I. Date of Initial Statement of Reasons: June 3, 2005
- II. Date of Pre-adoption Statement of Reasons: July 7, 2005
- III. Date of Final Statement of Reasons: August 30, 2005
- IV. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: May 3, 2005  
Location: Sacramento
- (b) Discussion/Adoption Hearing: Date: August 19, 2005  
Location: San Luis Obispo
- V. Update:
- No modifications were made to the originally proposed language of the Initial Statement of Reasons.
- VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

Support

Two letters were received in support of the proposed regulation. Both letters were from Ms. Lucy Nelson, President of the Alliance Against Animal Abuse. (See attached). The letters are dated July 14, 2005 and August 14, 2005. Both letters relate the same message. Ms. Nelson expressed that computer assisted remote hunting should be prohibited. Ms. Nelson writes, "this is NOT sport" but a blood lust for killing. Also, oral testimony at the August 19, 2005 Commission meeting, in support of the proposed change, was received from Bill Gaines.

Opposition

Lynch and Associates, representing Safari Club International, California Chapters, Outdoor Sportsman's Coalition of California and California Sportsman's Lobby, wrote a letter dated August 09, 2005, opposing the words "hunting" and "fishing" as it relates to the proposed regulation wording. (See attached). Also, oral testimony at the August 19, 2005 Commission meeting,

opposing the words “hunting” and “hunter” was received from Walt Mansell. All of the commenters support the prohibiting of computer assisted killing. They do not support specific wording in the proposed regulations but do support the idea. The California Rifle and Pistol Association, Inc. wrote a letter dated August 8, 2005, also supporting the idea of prohibiting computer assisted killing or taking. (See attached). However, they do not support the words “hunting” and “fishing” in the proposed regulation. They wrote in their letter that they would support the proposed regulation if the term “take” was used instead of “hunting” and “fishing.”

The Department wrote a letter in response to the letters from Lynch & Associates and the California Rifle and Pistol Association, Inc. (See attached). The Department stated that it has worded the proposed regulations to be consistent with current and proposed legislation and regulations banning computer assisted remote hunting in several other states. The proposed regulations also use the same identity, “Computer Assisted Remote Hunting/ Fishing,” which is used by this relatively new Internet industry. Furthermore, the Department uses the words “hunting” and “fishing” to describe an activity that the average constituent can understand. This would include persons coming into California from a state that has allowed “computer assisted remote hunting.”

In the case of the subject regulations, the Department does not agree that using the words “hunting” and “fishing” in the proposed regulations gives a negative connotation to the legitimate sport of hunting and fishing. It is necessary to use the rules of plain English in drafting regulations by directing the context to the public which will be directly affected by the new regulation.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No other reasonable alternatives exist.

(b) No Change Alternative:

The no change alternative was considered and rejected because current law fails to adequately address the use of this new technology in the field of sport hunting/fishing.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective as and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Because the proposed change clarifies the regulation, it is economically neutral.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:  
None
- (f) Programs Mandated on Local Agencies or School Districts:  
None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:  
None
- (h) Effect on Housing Costs:  
None

### Updated Informative Digest/Policy Statement Overview

With the use of computer-assisted remote hunting/fishing, from anywhere in the world, a person could remotely utilize a computerized system where a shooter can control a camera that has pan, tilt, and zoom features and a firearm or other weapon to shoot real living targets in real time.

The system uses a minimum of two cameras, one connected to the rifle scope and another alongside the gun or weapon. The cameras beam images back to a person who is sitting in a remote location looking at a computer screen. The rifle or weapon is mounted atop a pan-tilt motor, which users can control with four arrows, a computer mouse or joy stick, to control the up and down and side to side motion of the weapon. When the target appears in the scope's crosshairs, the user clicks a "fire" button to discharge the impact object (bullet, arrow, spear, etc.).

There are currently no definitions or regulations relating specifically to computer-assisted remote hunting/fishing in the Fish and Game Code or Title 14, California Code of Regulations. The proposed regulation would define computer-assisted remote hunting/fishing and specifically prohibit its use. In addition, the regulation would also prohibit the establishment of an internet, or web-based site, to assist in the taking of birds, mammals or fish.

Physically removing the "hunter/fisher" from the animal he is killing can subvert laws governing hunter/fisher age, training and licensing requirements and can subject animals to undue suffering. In addition, the element of a fair chase has always been a part of the American hunting heritage and the use of remote-controlled hunting/fishing is in direct conflict with basic hunting/fishing principles.

The sport hunting group Safari Club International has spoken out against computer-assisted remote hunting and several states including Maine, Oregon, Tennessee, and Virginia, have or are in the process of introducing regulations prohibiting its use. Recently, SB 1028 sponsored by State Senator Debra Bowen, was recently sent to the Governor's desk for signature. This bill is similar to the proposed regulations prohibiting computer assisted hunting and fishing adopted by the commission.

Currently, there are no computer-assisted fishing sites that we know of. There is no reason to believe that if this technology is used for the taking of birds and mammals, it will soon be introduced for fishing.

Section 251.9, Title 14, CCR is added as follows:

#### § 251.9 Computer Assisted Remote Hunting

(a) It is unlawful to take or assist in the taking of any bird or mammal in or from this state, by computer-assisted remote hunting.

(b) It is unlawful to establish or operate a computer-assisted remote hunting site for the purpose of taking any bird or mammal from or within this state.

(c) For the purposes of this section, "computer-assisted remote hunting" means the use of a computer or any other remotely controlled device, equipment, software, or technology, to remotely control the aiming or discharge of any weapon, including, but not limited to, any firearm, bow and arrow, spear, harpoon or any other weapon capable of killing or injuring any bird or mammal, for the purposes of taking any bird or mammal.

(d) For the purposes of this section, "computer-assisted remote hunting site" means any computer, internet site or web-based device or system, or other electronically operated site or system used to assist in the remote taking of any bird or mammal.

NOTE: Authority: Sections 200, 202, 203, Fish and Game Code. Reference: Sections 200, 202, 203, 205, 240, Fish and Game Code.

Section 2.45, Title 14, CCR is added as follows:

#### §2.45 Computer Assisted Remote Fishing

(a) It is unlawful to take or assist in the taking of any fish in or from this state, by computer-assisted remote fishing.

(b) It is unlawful to establish or operate a computer-assisted remote fishing site for the purpose of taking any fish from or within this state.

(c) For the purposes of this section, "computer-assisted remote fishing" means the use of a computer or any other remotely controlled device, equipment, software, or technology, to remotely control the aiming or discharge of any weapon, including, but not limited to, any firearm, bow and arrow, spear, harpoon or any other weapon capable of killing or injuring any fish, for the purposes of taking any fish.

(d) For the purposes of this section, "computer-assisted remote fishing site" means any computer, internet site or web-based device or system, or other electronically operated site or system used to assist in the remote taking fish.

NOTE: Authority: Sections 200, 202, 205, Fish and Game Code. Reference: Sections 200, 202, 203, 205, 240, Fish and Game Code.